

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION
AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF FLEMING)	
SOLAR, LLC FOR A CERTIFICATE OF)	
CONSTRUCTION FOR AN APPROXIMATELY)	CASE NO.
80 MEGAWATT MERCHANT ELECTRIC)	2020-00370
SOLAR GENERATING FACILITY IN FLEMING)	
COUNTY, KENTUCKY PURSUANT TO KRS)	
278.700 AND 807 KAR 5:110)	

NOTICE OF FILING

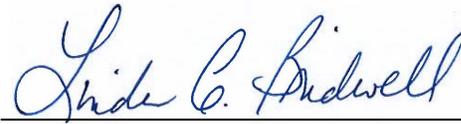
Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the evidentiary hearing conducted on September 29, 2021 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- A written log listing, inter alia, the date and time of where each witness' testimony begins and ends on the digital video recording of the evidentiary hearing conducted on September 29, 2021.

A copy of this Notice, the certification of the digital video record, and hearing log have been served upon all persons listed at the end of this Notice. Parties desiring to view the digital video recording of the hearing may do so at <https://youtu.be/XMpaUEX1IpQ>.

Parties wishing an annotated digital video recording may submit a written request by electronic mail to pscfilings@ky.gov. A minimal fee will be assessed for a copy of this recording.

Done at Frankfort, Kentucky, this 13th day of October 2021.



Linda C. Bridwell
Executive Director
Public Service Commission of Kentucky

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF FLEMING)
SOLAR, LLC FOR A CERTIFICATE OF)
CONSTRUCTION FOR AN APPROXIMATELY)
80 MEGAWATT MERCHANT ELECTRIC SOLAR)
GENERATING FACILITY IN FLEMING COUNTY,)
KENTUCKY PURSUANT TO KRS 278.700 AND 807)
KAR 5:110)

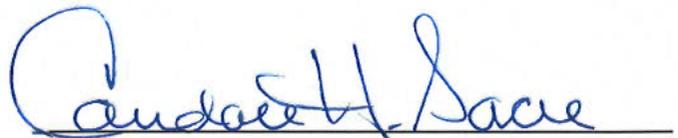
CASE NO.
2020-00370

CERTIFICATION

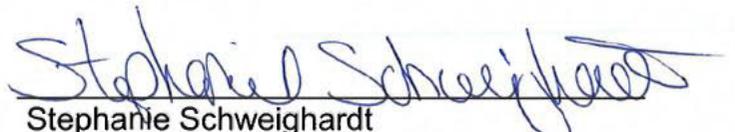
I, Candace H. Sacre, hereby certify that:

1. The attached flash drive contains a digital recording of the Formal Hearing conducted in the above-styled proceeding on September 29, 2021. The Formal Hearing Log is included with the recording on September 29, 2021;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the Formal Hearing of September 29, 2021; and
4. The Formal Hearing Log attached to this Certificate accurately and correctly states the events that occurred at the Formal Hearing of September 29, 2021, and the time at which each occurred.

Signed this 11th day of October, 2021.



Candace H. Sacre
Administrative Specialist III



Stephanie Schweighardt
Notary Public State at Large ID#: 614400
Commission Expires: January 14, 2023



Session Report - Detail

2020-00370 29Sept2021

Fleming Solar, LLC (Fleming Solar)

Date:	Type:	Location:	Department:
9/29/2021	Public Hearing\Public Comments	Hearing Room 1	Hearing Room 1 (HR 1)

Witness: Audrey Bohorquez; Randall Jenks; Dominic Salinas
 Judge: Marianne Butler; Kent Chandler; Amy Cabbage; John Lyons; Charlie Rowland
 Clerk: Candace Sacre

Event Time	Log Event	
9:09:05 AM	Session Started	
9:09:11 AM	Chairman Chandler Note: Sacre, Candace	On the record in Case No. 2020-00370, Electronic Application of Fleming Solar, LLC for a Certificate of Construction for an Approximately 80-Megawatt Merchant Electric Solar Generating Facility in Fleming County, Kentucky, Pursuant to KRS 278.700 and 807 KAR 5:110.
9:09:26 AM	Camera Lock Deactivated	
9:09:36 AM	Chairman Chandler Note: Sacre, Candace	My name is Kent Chandler. I am Chairman of the Public Service Commission and also serve as Chairman for the Kentucky State Board on Electric Generation and Transmission Siting, and I will be presiding today.
9:09:48 AM	Chairman Chandler Note: Sacre, Candace	Joining me by videoconferencing are the other Siting Board members, and they are Amy Cabbage, Vice Chairman of the Public Service Commission; Marianne Butler, Commissioner of the Public Service Commission; John Lyons, Deputy Secretary of the Energy and Environment Cabinet, serving as proxy for Secretary Rebecca Goodman; and Charlie Rowland, Executive Advisor with the Cabinet for Economic Development, serving as proxy for Interim Secretary Larry Hayes. Also on this Siting Board but not joining us right now are Fleming County Judge-Executive Larry Foxworthy; and community representative John Price.
9:10:30 AM	Chairman Chandler Note: Sacre, Candace	COVID and videoconferencing recommendations. (Click on link for further comments.)
9:11:32 AM	Chairman Chandler Note: Sacre, Candace	The purpose of today's hearing is to take evidence on Fleming Solar's application for a Certificate of Construction for an 80-megawatt merchant electric-generating solar facility to be located in Fleming County, Kentucky.
9:11:45 AM	Chairman Chandler Note: Sacre, Candace	Appearance of counsel, ask at this time identify witnesses. (Click on link for further comments.)
9:11:58 AM	Atty Gish Fleming Solar Note: Sacre, Candace	Kenneth Gish, three witnesses in case, Dominic Salinas, Audrey Bohorquez, and Randall Jenks, also have witnesses that could be available.
9:13:10 AM	Staff Atty Mance PSC Note: Sacre, Candace	Cornelius Mance.
9:13:17 AM	Chairman Chandler Note: Sacre, Candace	Public notice. (Click on link for further comments.)

9:13:34 AM	Chairman Chandler Note: Sacre, Candace	Outstanding motions. (Click on link for further comments.)
9:13:53 AM	Chairman Chandler Note: Sacre, Candace	Public comments. (Click on link for further comments.)
9:24:05 AM	Camera Lock PTZ Activated	
9:33:41 AM	Chairman Chandler Note: Sacre, Candace	Anything need to address? (Click on link for further comments.)
9:33:58 AM	Camera Lock Deactivated	
9:33:59 AM	Chairman Chandler Note: Sacre, Candace	First witness?
9:34:01 AM	Atty Gish Fleming Solar Note: Sacre, Candace	Dominic Salinas.
9:34:11 AM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
9:34:29 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Examination. Name and address?
9:35:08 AM	Atty Gish Fleming Solar - witness Salinas Note: Sacre, Candace	Direct Examination. Job title?
9:35:19 AM	Atty Gish Fleming Solar - witness Salinas Note: Sacre, Candace	Involved in preparation of application?
9:35:31 AM	Atty Gish Fleming Solar - witness Salinas Note: Sacre, Candace	Involved in response to data requests?
9:35:44 AM	Atty Gish Fleming Solar - witness Salinas Note: Sacre, Candace	Any corrections or clarifications?
9:35:55 AM	Atty Gish Fleming Solar - witness Salinas Note: Sacre, Candace	Describe role in development of project?
9:36:37 AM	Atty Gish Fleming Solar - witness Salinas Note: Sacre, Candace	Describe materials have on hand?
9:37:29 AM	Chairman Chandler Note: Sacre, Candace	Questions?
9:37:34 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Cross Examination. Refer to Response Recommendation A-3 Site Development Plan, reading (click on link for further comments), when anticipate site layout finalized?
9:39:23 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Changes to layout project footprint not material, referring to changes in location still comply setback requirements or changes within footprint?
9:39:51 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Consider only material change to be violation of setback requirements?
9:40:11 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Reference to potential changes within project footprint desire deemed immaterial to siting board, said references changes comply with setback requirements within project footprint, only consider to be material change if were to have violation of setback requirements within footprint?
9:40:49 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	What consider be actual material change, even if still in compliance with setback requirement, anything anticipate being material change?
9:41:16 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Examination. Let me ask, if panels 14 feet off ground, deem that be a material change?

9:42:07 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Cross Examination (cont'd). Response First Request, Item 6-A, confirmed 12-inch water main line, unable provide exact location, able to obtain updated site map with main and Flemingsburg Water clearly identified?
9:42:52 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	When able obtain that information?
9:43:39 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Confirm Fleming Solar provide Siting Board with easement and crossing agreements when obtain?
9:44:08 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Fleming Solar Response to Consultant Report Recommendation A-5, reading (click on link for further comments), construction schedule, days of week and times allowed to work or expected length of project construction?
9:45:42 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Referring to Response Recommendation B-3, compatibility scene and surroundings, requests should it be obligated mitigation measure address concerns visual impact allow pursuant to complaint resolution program, any concerns from neighbors?
9:46:27 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Has Fleming Solar complying with resolution program in addressing concerns?
9:47:33 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Response Recommendation B-4, scene and surroundings, reading (click on link for further comments), requests limited to properties within 300 feet and use best efforts address concerns, only two properties within 300 feet, your understanding?
9:48:29 AM	Atty Gish Fleming Solar Note: Sacre, Candace	Have responses handy?
9:48:47 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Additional 33 residents within 600 feet and within view of project, confirm as correct?
9:49:12 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Specific reason Fleming Solar not be obligated to address these concerns since within sight view of project?
9:49:57 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Response Recommendation B-9, anti-glare panels, clarify Fleming Solar determined be no red glare or no glare whatsoever?
9:50:42 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Still B-9, any issues glare impacts from residents red glare for more than 60 minutes in year, then address vegetative screening, resolution program not initiated until after confirm 60 minutes per year red glare, confirm if complaints not require confirmation before program instituted?
9:51:57 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Response Recommendation B-10, intends coordinate with AEUG Fleming reduce impacts, prior examples coordinating with neighboring solar projects?
9:52:36 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Understanding how proceed with coordination?
9:53:56 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Fleming Solar communication/contact with nonparticipating property owners discuss viewshed and noise impacts during construction and operations?

9:55:05 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Describe Core Solar business philosophy relates community outreach and how interact with community?
9:56:15 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Provide examples how Core Solar work with nonparticipating landowners address concerns noise and visual impacts?
9:57:36 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Response Recommendation D-2, noise effects mitigation, reference 120 decibels requires mitigation, how Fleming determine 120 decibels level at which mitigation be required?
9:59:05 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Provide explanation and include examples reasonable steps mitigate noise effects?
10:00:42 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Response Recommendation D-5, agree recommendation working hours 8 AM to 6 PM Mon - Sat, still committed to those working hours?
10:01:12 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Response B-1, will develop formal decommissioning plan and completed prior posting decommissioning bond, still committed developing formal decommissioning plan and providing to Siting Board?
10:01:43 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	When anticipate developing formal decommissioning plan?
10:02:04 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	Committed to posting bond associated with decommissioning?
10:02:14 AM	Staff Atty Mance PSC - witness Salinas Note: Sacre, Candace	At what point decommissioning bond posted?
10:02:35 AM	Chairman Chandler Note: Sacre, Candace	Questions?
10:02:42 AM	Board Member Lyons - witness Salinas Note: Sacre, Candace	Examination. Noticed in application referenced working with Fish & Wildlife doing stream and wetland studies, status of those?
10:03:32 AM	Board Member Lyons - witness Salinas Note: Sacre, Candace	Jurisdictional waters of U.S. and waters of Commonwealth on site?
10:03:43 AM	Board Member Lyons - witness Salinas Note: Sacre, Candace	Saw mention of Phase 1 assessment, also being done?
10:03:51 AM	Board Member Lyons - witness Salinas Note: Sacre, Candace	Been submitted?
10:04:02 AM	POST-HEARING DATA REQUEST Note: Sacre, Candace Note: Sacre, Candace	BOARD MEMBER LYONS - WITNESS SALINAS COPIES OF STREAM/WETLAND STUDIES AND PHASE 1 ASSESSMENT
10:04:27 AM	Chairman Chandler Note: Sacre, Candace	Questions?
10:04:40 AM	Vice Chairman Cabbage - witness Salinas Note: Sacre, Candace	Examination. Have purchaser for power?
10:05:06 AM	Chairman Chandler Note: Sacre, Candace	Questions?
10:05:13 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Examination. Material changes, have Response to consultant report in front of you, correct?

10:05:51 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Recommendation A-3, page 8 to page 9, mitigation recommendation related to deviation in boundaries or site development plan, not set in stone?
10:06:40 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Subject to change based off of preferences, also requirements?
10:07:10 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Siting Board items listed in statute that look for, correct?
10:07:31 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Everybody wants permit/certificate but maximum flexibility following receipt of certificate, Response page 8 - 9, recommendation, reading (click on link for further comments), changes within boundary not considered material as long as stay within boundary, reading (click on link for further comments), read as being comment to response to recommendation, if changes made increase noise or visual impact but inside footprint, those not considered material and subject to review?
10:10:47 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Proposed site layout includes setbacks but also vegetation buffers, correct?
10:10:59 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	If panels moved, clustered, raised or lowered differently than proposed, if vegetative buffers/other mitigation measures required in this case stay same, could change visual or noise implications of site?
10:11:29 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Things moved within projects boundaries, all other things stay same, plan to change those as well to mitigate any impacts created by change in site layout?
10:12:13 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Now have plan, how will know whether mitigation measures actually mitigates noise and sound impacts of changes?
10:13:07 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Familiar with site layout?
10:13:19 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Map provided in Exhibit A to site assessment report, pages 23 and 24, have available?
10:14:53 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	On PDF page 23, map shows project area, 2000-foot buffer and two-mile buffer, see that?
10:15:13 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	PDF page 24, aerial map shows project boundary, security fences, utility substation security fences, and "potential project footprint," see that?
10:15:52 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Two discrete areas of project, primary area and then northeast portion of area, see that?
10:16:19 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Top right-hand corner, northeast portion of project, area of proposed potential project footprint that forms shape of lollipop, see that?
10:16:52 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	What footprint going around?
10:17:24 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	The property outside of project boundary is land not under Fleming Solar control?

10:17:58 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Yellow potential project footprint 725 acres, boundary 830 acres, in application potential project footprint, reading (click on link for further comments), response to mitigation proposal moving panels, inverters, substation equipment, as long as within yellow areas should not be considered material?
10:19:55 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Commitment security fence maintained separate distance back from proposed project footprint?
10:20:09 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Distance required for setback project boundary?
10:20:36 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Otherwise, not concern roads or nonparticipating property boundaries, only setback apply fence relation project boundary or facilities those required by NESC?
10:21:13 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Noise and traffic studies report, proposed setbacks and distances to residences, able speak to them at all?
10:21:51 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Page 2 of Application Materials Exhibit I, Appendix C, noise and traffic and study, distances proposed setbacks operating equipment, reading (click on link for further comments), see that?
10:23:42 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Distances, 300 feet from project boundary for transformer, maroon line around edge of entire map just looked at?
10:24:22 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	None of distances relate to project footprint, 700-plus acres?
10:24:33 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	All relate to project boundary, 800-plus acres?
10:24:40 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Substation 300 feet from project boundary, project boundary or proposed project footprint already 300 feet from nonparticipating residences?
10:25:34 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Next page, table, distance to nearest inverters, nearest to residence is Residence 21, 736 feet from nearest residence, see that?
10:26:03 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Next table distance to potential project footprint, 362 feet?
10:26:20 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Requested setbacks are from distances from project boundary?
10:26:36 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Response to mitigation recommendation proposal as long as operating equipment moved within project boundary not be deemed material?
10:26:54 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Only project footprint?
10:27:03 AM	Chairman Chandler - witness Salinas Note: Sacre, Candace	Statement, difficult to understand how far away things proposed to be, (click on link for further comments),
10:27:38 AM	Chairman Chandler Note: Sacre, Candace	Redirect?
10:27:57 AM	Chairman Chandler Note: Sacre, Candace	Recess until 10:40.
10:28:17 AM	Session Paused	
10:40:49 AM	Session Resumed	

10:41:04 AM	Camera Lock Deactivated	
10:42:08 AM	Chairman Chandler	
	Note: Sacre, Candace	Next witness?
10:42:13 AM	Atty Gish Fleming Solar	
	Note: Sacre, Candace	Audrey Bohorquez.
10:42:28 AM	Chairman Chandler	
	Note: Sacre, Candace	Witness is sworn.
10:42:34 AM	Chairman Chandler - witness Bohorquez	
	Note: Sacre, Candace	Examination. Name and address?
10:42:53 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Direct Examination. Job title, employer?
10:43:05 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Involved in preparation of materials?
10:43:22 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Any corrections or modifications?
10:43:31 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Describe role in project?
10:44:11 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Follow up on Salinas testimony, still have Exhibit A to Application?
10:45:00 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Potential Project Footprint and Nearest Residences?
10:45:06 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Has maroon line, yellow line, pink line, teal dots on it?
10:45:18 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	To help clarify, talk about what each one of lines represent, maroon project boundary?
10:45:34 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	That line represents full extent of land Fleming Solar has rights to develop?
10:45:48 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	That's parcel boundaries or specifics of each lease and represented in agreements as Exhibit A data requests?
10:46:03 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Yellow line potential project footprint?
10:46:10 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Set with two separate setbacks in mind?
10:46:20 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Fifty foot setback from roads and parcels where no nearby residences?
10:46:32 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Nearby residence is within 300 feet of project boundary?
10:46:40 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Northwest corner, maroon line and yellow line, 50 feet back from that, parcels adjacent to section no residences within 300 feet?
10:47:07 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Black dots on Whitman Road represent residences outside 300 feet?
10:47:21 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Other setback 300 feet from property boundary adjoining parcel where nearby residential structure?
10:47:41 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Along Route 59, see "C" in church along Flynn numbered 7, 8, 9, 10, 11, 12, 13, 14, 15?
10:48:07 AM	Atty Gish Fleming Solar - witness Bohorquez	
	Note: Sacre, Candace	Represent residences within 300 feet of project boundary?

10:48:15 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Potential project footprint set back 300 feet from project boundary those locations?
10:48:25 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Hard to view from scale, where residence is within parcel is irrelevant as long as residence within 300 feet, look at No. 16 southwest corner of project?
10:49:01 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Property boundary around parcel where Residence 16 located?
10:49:16 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Potential project footprint line 300 feet from project boundary, not from residence?
10:49:26 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Closest distance any residence be to potential project footprint 300 feet but would require residence located on property boundary?
10:49:44 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Why see distance to project footprint Table 1 noise and traffic that nearest residences more than 300 feet, function of where properties located within own parcel?
10:50:27 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Next set of lines Exhibit A pink line, see that?
10:51:19 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Separate negotiated setback for that nonresidential structure?
10:51:26 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Pink line security fence line?
10:51:37 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Since submitted revised project layout?
10:51:48 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Exhibit C is the updated preliminary site layout?
10:52:14 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Preliminary site layout shows planned location of panels, inverters, transformers, and other equipment?
10:52:26 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Could possibly change?
10:52:30 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Unlikely, not anticipate change, but potential for change?
10:52:37 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Pink line represented where panels, inverters, transformers, collection lines be located based on site layout time of Application?
10:52:57 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Pink lie within project footprint?
10:53:31 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Have produced study shows most impacts?
10:53:34 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	When actual project layout within that, essentially produced study identifies most impacts of 300-foot line?
10:53:54 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Statement within project moving project components not considered material, based on moving types of equipment identified in noise study within project footprint?
10:54:16 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	If use 15-foot tall system instead of six-foot tall system, would be material?

10:54:32 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	If were to use new inverter produces twice noise as standard inverter, would be material?
10:54:44 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Intent of statement was within project footprint using equipment on market now consistent with described in studies, those changes not be material?
10:55:15 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Noise and traffic study, page 2, setbacks for transformers, inverters, other equipment, correct?
10:55:35 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Setback established for GSU transformer 300 feet?
10:55:45 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Inverters 300 feet from project boundary, nonparticipating parcels with nearby residences, teal dots, 300 feet and 150 feet from other parcels?
10:56:07 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Further setback within potential project footprint?
10:56:23 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	All other equipment within project footprint?
10:56:33 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Within project footprint and setbacks, equipment specific, if materials moved within project footprint consistent with equipment specific setbacks identified in Application, no material impact?
10:57:00 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	What happens if move layout, how know visual screening methodology work, describe how visual screening methodology work if change in project layout?
10:58:37 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Visual study methodology was provided as Appendix D in separate report?
10:59:35 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Consultation and updating of (inaudible) review was mitigation measure by company in Application?
10:59:50 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Performance of visual optimization study on final layout already in proposed mitigation measure by company?
11:00:45 AM	Chairman Chandler Note: Sacre, Candace	Questions?
11:00:54 AM	Staff Atty Mance PSC - witness Bohorquez Note: Sacre, Candace	Cross Examination. Referencing Fleming Response Recommendation B-4, visual buffer between project construction residence be limited to 300 feet, additional 32 residences within 600 feet within view of project, why Fleming not be obligated also address those neighbors' concerns as part of resolution program?
11:02:55 AM	Chairman Chandler Note: Sacre, Candace	Questions?
11:03:00 AM	Board Member Lyons - witness Bohorquez Note: Sacre, Candace	Examination. Exhibit C, updated preliminary site layout, First Response Data Requests, what are yellow cross-hatched polygons?
11:03:49 AM	Chairman Chandler Note: Sacre, Candace	Questions?
11:03:59 AM	Vice Chairman Cabbage - witness Bohorquez Note: Sacre, Candace	Examination. Exhibit C, updated site plan, inside the fence lines which is pink and heavy lime green, expect changes to that line?

11:05:23 AM	Vice Chairman Cabbage - witness Bohorquez Note: Sacre, Candace	If pink line shifts closer to project boundary, consider material?
11:05:48 AM	Chairman Chandler Note: Sacre, Candace	Questions?
11:06:00 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Examination. Any panels be placed within 150 feet of home whether participating or nonparticipating homeowner?
11:06:56 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	When say 150 feet, that's to residence or church, 50 feet is to project boundary?
11:07:19 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Plan on placing panels closer than 150 feet to actual residence of participating landowners?
11:07:51 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Intend to use string converters?
11:08:06 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Central inverters, anticipate placed within 450 feet of nonparticipating residences?
11:08:31 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Everything reading proposed setbacks, filter for determining greater setbacks required whether parcel of land with home on it within 300 feet?
11:09:30 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	300-foot setback from parcel boundary, not necessarily from home, just applies because is home on that boundary?
11:10:14 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Filter is parcel of land with home, if closer to project boundary than 300 feet, at that point making sure from your own project boundary setback is 300 feet?
11:11:18 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	300 feet for determining those teal homes and 300-foot setback measured from different places?
11:11:34 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Both measured from project boundary but going in different directions?
11:11:42 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Could be 599 feet between setback and property boundary that has home on it, project footprint, excuse me?
11:12:10 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Have map 300 foot setback project boundary against project footprint?
11:12:27 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	That's 300 feet measurement for setback, but measurement to determine nonparticipating landowner that fall in filter is from maroon line to a property happens to have residence?
11:13:08 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Measuring to property boundary to land that has residence not residence itself?
11:13:28 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Reason to believe distances incorrect or need to be updated?
11:15:38 AM	POST-HEARING DATA REQUEST Note: Sacre, Candace Note: Sacre, Candace	CHAIRMAN CHANDLER - WITNESS BOHORQUEZ DETERMINE INFORMATION IN TABLE 1 REQUIRES UPDATE OR MORE ACCURATE INFORMATION

11:15:57 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Not be inverter placed within 450 feet of a residence?
11:16:11 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	450 been distance previously ordered as mitigation requirement?
11:17:08 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Distance between operating equipment and residence/church, most likely noise receptors, items closest for visual impact, know distances under current plan from inverters, substation, individual panels?
11:18:55 AM	POST-HEARING DATA REQUEST Note: Sacre, Candace Note: Sacre, Candace	CHAIRMAN CHANDLER - WITNESS BOHORQUEZ DISTANCES UNDER CURRENT PLAN FROM INVERTERS, SUBSTATION, AND INDIVIDUAL PANELS
11:19:18 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Agreement proposing 50-foot setback participating, have agreement?
11:19:38 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Why determined participating need shorter setback than nonparticipating landowners?
11:20:07 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Specific term in lease that property not falling under lease allowed operating equipment closer to residence than other mitigation measure proposed?
11:20:27 AM	Atty Gish Fleming Solar Note: Sacre, Candace	Confidential information. (Click on link for further comments.)
11:21:18 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	If you want to go into confidential, that's fine. I am wanting to understand purpose of the 50, want to know if some agreement with landowners related to land not part of proposed boundary how close equipment can be to residences?
11:22:41 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Have nonparticipating landowners who have residences not subject to a lease or a purchase agreement? Have homeowners participating in project but parcel of land not under agreement with Fleming Solar?
11:23:38 AM	POST-HEARING DATA REQUEST Note: Sacre, Candace Note: Sacre, Candace	CHAIRMAN CHANDLER - WITNESS BOHORQUEZ PARTICIPATING LANDOWNERS WITH PARCEL OF LAND NOT UNDER AGREEMENT WITH APPLICANT
11:23:54 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Map provides potential project footprint and nearest residences, provides in legend nearest residential structure, for nearest residential structure exclusively nonparticipating structures or universe of all structures fell into 300-foot filter?
11:24:59 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Does teal indicate entire universe of residences on property within 300 feet of project boundary or does teal represent nonparticipating landowners not fall under filter?
11:25:25 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Have that available to you?
11:25:32 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Green proposed substation, see that?
11:25:41 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	To right of that residential structure participating, see that?

11:25:48 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Across road from that there is a square property with residence, see that?
11:26:17 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Move west, residential structure participating?
11:26:18 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Why not teal dot or white square?
11:26:48 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	See Residences 17 and 16, how far away that residence just outside above 300-foot setback and right of 559, see dot?
11:27:26 AM	POST-HEARING DATA REQUEST Note: Sacre, Candace Note: Sacre, Candace	CHAIRMAN CHANDLER - WITNESS BOHORQUEZ PROVIDE DISTANCE FROM PROJECT BOUNDARY OF RESIDENCE ABOVE 300-FOOT SETBACK AND RIGHT OF 559
11:28:05 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	See Homes 7 and 8?
11:28:17 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Move west from 7 and 8, residential structure participating, see that?
11:28:22 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Anticipated continue to be inhabited?
11:28:34 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Same for other two homes lie in project boundary, bottom along 559, inhabited during project?
11:29:01 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Is it your plan for it to cease being inhabited, same for top right-hand corner near barn, plan to not be inhabited during operation of project?
11:29:48 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Additional residence seem fall under 300-foot filter, reflected as dot to left of 559 bottom right-hand corner of map, see that residence?
11:30:26 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Main portion of project look like rectangle but for large parcel in southwestern portion of map, see that?
11:30:47 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Rectangular piece of land that adjoins on two sides project boundary located directly above 559 on map, see that?
11:31:03 AM	Atty Gish Fleming Solar Note: Sacre, Candace	West of 16?
11:31:06 AM	Chairman Chandler Note: Sacre, Candace	To southwest of project.
11:31:17 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Contiguous property from legend, residence, post-hearing data request why not included along with other teal homes as part of map and mitigation?
11:31:20 AM	POST-HEARING DATA REQUEST Note: Sacre, Candace Note: Sacre, Candace	CHAIRMAN CHANDLER - WITNESS BOHORQUEZ WHY PROPERTY SOUTHWEST OF PROJECT NOT INCLUDED WITH OTHER TEAL HOMES AS PART OF MAP AND MITIGATION
11:31:51 AM	Chairman Chandler Note: Sacre, Candace	Redirect?
11:32:10 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Redirect Examination. Exhibit A, find Property No. 6?

11:32:36 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	How go about determining what triggered 300-foot, look and see if parcel borders project boundary?
11:33:05 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Next step, residence on that parcel?
11:33:53 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Parcel No. 6 is on adjacent to project boundary?
11:34:03 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Residence within 300 feet of project boundary, that's No. 6?
11:34:10 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	See yellow line to east of project boundary, reflects 300 feet from parcel No. 6 on?
11:34:22 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Parcel to north and west No. 6 on also adjacent to project boundary?
11:34:56 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Residence is greater than 300 feet from project boundary?
11:35:05 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	That's why no 300-foot setback from that parcel, only 50-foot, no nearby residence?
11:35:35 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Setback is tied to where residence is on adjoining property not adjoining property, correct?
11:36:07 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	If look at Parcel 17, that residence within 300 feet of boundary?
11:36:29 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Why footprint bumps out there?
11:36:36 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Go east, rectangular parcel with black dot, correct?
11:36:48 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	That residence more than 300 feet from project boundary?
11:36:55 AM	Atty Gish Fleming Solar - witness Bohorquez Note: Sacre, Candace	Why no bump out, no setback from project boundary from that parcel?
11:37:42 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	Examination. Filter at residence within 300 feet of property boundary?
11:38:00 AM	Chairman Chandler - witness Bohorquez Note: Sacre, Candace	If residence within 300 feet property boundary, potential project footprint at least 300 feet from project boundary?
11:38:29 AM	Chairman Chandler Note: Sacre, Candace	Additional witness?
11:38:50 AM	Atty Gish Fleming Solar Note: Sacre, Candace	Randall Jenks.
11:38:55 AM	Chairman Chandler Note: Sacre, Candace	Witness is sworn.
11:39:07 AM	Chairman Chandler - witness Jenks Note: Sacre, Candace	Examination. Name and address?
11:39:27 AM	Atty Gish Fleming Solar - witness Jenks Note: Sacre, Candace	Direct Examination. Employer and job title?
11:39:43 AM	Atty Gish Fleming Solar - witness Jenks Note: Sacre, Candace	Involved in preparation of application materials and responses?
11:39:53 AM	Atty Gish Fleming Solar - witness Jenks Note: Sacre, Candace	Corrections or updates?

11:40:02 AM	Atty Gish Fleming Solar - witness Jenks Note: Sacre, Candace	Describe role in project?
11:41:03 AM	Chairman Chandler Note: Sacre, Candace	Questions?
11:41:08 AM	Staff Atty Mance PSC - witness Jenks Note: Sacre, Candace	Cross Examination. Response Recommendation A-5, reading (click on link for further comments), construction schedule days of week and time construction allowed or length entire project construction?
11:42:25 AM	Staff Atty Mance PSC - witness Jenks Note: Sacre, Candace	Explain in detail why limited to traffic impacts?
11:43:21 AM	Staff Atty Mance PSC - witness Jenks Note: Sacre, Candace	Aware of changes expected to construction schedule?
11:44:35 AM	Chairman Chandler Note: Sacre, Candace	Questions?
11:45:20 AM	Chairman Chandler Note: Sacre, Candace	Anything else?
11:45:44 AM	Chairman Chandler Note: Sacre, Candace	Scheduling discussions. (Click on link for further comments.)
11:47:29 AM	Chairman Chandler Note: Sacre, Candace	Hearing adjourned.
11:47:42 AM	Session Ended	

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